

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 249 - SB 391**

February 14, 2023

**SUMMARY OF BILL AS AMENDED (004042):** Establishes that, in a case being conducted in a general sessions court, a writ of possession shall be issued by operation of law following the required appellate period if no appeal is filed.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 27-5-108(a)(1), a party to a case in general sessions court is provided a period of 10 days to appeal a decision to the circuit court.
- The proposed legislation clarifies that execution of a writ of possession shall be issued after the 10-day appellate period has expired if no appeal was taken, meaning possession of the real property in question will not be restored to the prevailing party until at least 10 days following the court's decision.
- Any costs associated with a 10-day delay in the restoration of possession of property, including any costs deriving from requisite bonds or cash deposits, will be borne by private individuals and will not impact the finances of public entities.
- The proposed legislation will not impact the workload of local courts.
- Any fiscal impact to local government is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director